

SENATE BILL REPORT

SB 5379

As Reported By Senate Committee On:
Consumer Protection & Housing, February 15, 2007

Title: An act relating to the keeping of dangerous wild animals.

Brief Description: Protecting consumers from the keeping of dangerous wild animals.

Sponsors: Senators Weinstein, Delvin, Kline, Tom, Haugen and Shin.

Brief History:

Committee Activity: Consumer Protection & Housing: 2/09/07, 2/15/07 [DPS, DNP].

SENATE COMMITTEE ON CONSUMER PROTECTION & HOUSING

Majority Report: That Substitute Senate Bill No. 5379 be substituted therefor, and the substitute bill do pass.

Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Jacobsen, Kilmer, McCaslin and Tom.

Minority Report: Do not pass.

Signed by Senator Honeyford, Ranking Minority Member.

Staff: Jacob White (786-7448)

Background: Wild animals are subject to regulation under federal, state, and local laws. For example, federal law generally prohibits the sale, purchase, or possession of endangered species. The United States Department of Agriculture licenses and regulates animal dealers and exhibitors. Both federal and Washington State law regulate the introduction of some wild animals into this state because the introduction of their genes and the disease they could bring make them a threat to the state's indigenous wildlife. The Washington Department of Fish and Wildlife has the authority to manage wildlife within the state. Pursuant to that authority, the department prevents the introduction of "deleterious exotic wildlife", including mongooses, wild boar, European red deer, zebra mussels, and European green crab, unless strict conditions are met. Unlawful release of deleterious exotic wildlife is a class C felony.

Animal control is generally regulated on the city and county level in Washington, with enforcement by either local animal control authorities or local law enforcement. Local jurisdictions such as Pierce and King counties and cities such as Bellevue, Spokane, and Everett have passed such ordinances.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Concern exists that privately-owned exotic pets pose a public health threat because they are not capable of domestication. Some exotic pets may carry disease which can be passed to humans.

Summary of Bill: A person must not own, possess, keep, harbor, bring into the state, have custody or control, or breed a potentially dangerous animal. The term "potentially dangerous animal" is defined.

Exceptions to this requirement include: authorized institutions of the Washington Department of Fish and Wildlife, zoos and aquariums, nonprofit animal organizations, veterinary hospitals, holders of wildlife sanctuaries, research facilities, circuses, persons transporting animals and meeting certain criteria, people displaying animals at fairs, and people who currently own potentially dangerous animals.

Animal control authority, local law enforcement agents, and county sheriffs are authorized to enforce this act. These entities may confiscate a potentially dangerous wild animal if: there is probable cause that the animal was not acquired prior to the effective date of the bill; or the animal is in poor health and condition as a result of the owner. The animal control authority must give proper notice to the possessor of the animal. An animal confiscated under this act may be returned if the animal control authority establishes that the owner has possession of the animal before the effective date of this bill. If the animal is not returned the animal may be euthanized only if there are no reasonable placement options available.

Violators of this act are liable for a civil penalty of not less than \$200 or more than \$2,000 for each animal that is possessed in violation of this act and for each day that violation continues. A city or county may adopt more restrictive ordinances toward potentially dangerous wild animals.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Consumer Protection & Housing): Facilities with a memorandum of participation with an association of zoos and aquariums species survival plan are exempt from this bill. A technical correction is made changing "holding" a class R license under the animal welfare act, to being "registered" with the animal welfare act.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Owners of these exotic animals often don't take proper care of them. The result of this improper care is that the duty to take care of the animals is passed on to zoos, who do not always have the resources to do so. Owners of these pets are frequently young and have romantic notions of owning an exotic animal. These pets are often brought to the humane society once the owner no longer wants to take care of the animal. Also, police officers end up having to deal with these animals, and the officers are often not trained or equipped to do so.

The animals listed are truly dangerous. Other animals could even be included, for instance some people keep raccoons as pets. This bill will not take people's pets away from them; there is a grandfather clause.

Diseases such as monkey pox have been directly linked to private ownership. The report by the State Board of Health pamphlet was not directed toward the topic of this bill.

Washington is one of a few states without regulations like this bill provides. Facilities will not be shut down, if they fall under the exceptions that this bill provides. The facilities that are not contributing to the problem will not be punished.

CON: This bill needs to include other people and organizations under the exclusion section. There are already regulations that make owning animals like raccoons, white tigers, and bats illegal. This bill is not fair to animal owners. Cities and counties can already ban these animals.

There is a discrepancy in the definition of sanctuary. Animals should be allowed to breed. The bill needs to accommodate sanctuaries which breed animals to be released.

The State Board of Health report proves that there is no evidence to support a need for this bill. The bill has been cut back through the years because it is a bad bill and it still is a bad bill. This is not a serious problem in the state. There are only a small number of large cats privately owned in Washington and their have only been a small number of bites.

This bill would have a serious financial impact. A lot of organizations are not exempt here who have invested thousands in their caging. There is nothing in this bill to compensate these organizations for the money they've invested in their cages. Not all owners will have the documentation to prove that they already own the animal.

This bill takes away the rights of future citizens'. Most owners take good care of these animals. There are good resources in private sector to help owners take better care of these animals that are not being fully utilized.

Large cats do very well in captivity; in fact, they live much longer. This bill will cause thousands of kids to suffer, as well as conservation efforts. Association of Zoos and Aquariums accreditation is very expensive and very few people qualify for it.

Persons Testifying: PRO: Bruce Bjork, Washington Department of Fish and Wildlife; Bill Hanson, Washington State Fraternal Order of Police; Jennifer Hillman, Humane Society of the United States; Greg Hanon, Washington State Veterinary Medical Association; Gordon Walgreen, Federation of Animal Control Agencies; Nicole Paquette, Animal Protection Institute.

CON: Shelleen Mathew, Wild Felid Advocacy Center of Washington; Cathrun Spohrer, Phoenix Exotics; Dave Coleburn, Predators of the Heart; Steve Johnson, citizen; Tami Williams, Wolf Haven International; Jeanne Hall, Phoenix and Private.